

Amendment No. 2 to SB2428

Watson
Signature of Sponsor

AMEND Senate Bill No. 2428*

House Bill No. 2593

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (8) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Board of examiners for architects and engineers, created by § 62-2-201;

SECTION 3. Tennessee Code Annotated, Section 62-2-201(a), is amended by deleting subdivisions (1), (2) and (3) in their entirety and by substituting instead the following:

(1) The board shall include, where possible, at least one (1) female and at least one (1) member of a racial minority.

(2) This board shall consist of eight (8) members to be appointed by the governor, three (3) to be registered architects who may be appointed from a list of nominees submitted by the representative professional architects of the state, three (3) to be registered engineers who may be appointed from a list of nominees submitted by the representative professional engineering society of the state, one (1) to be a registered landscape architect who may be appointed from a list of nominees submitted by the representative professional landscape architecture society of the state and one (1) to be a registered interior designer who may be appointed from a list of nominees submitted by the representative professional interior design society of the state.

(3) In the event of a vacancy on the board for any reason and the governor failing to appoint a successor within three (3) months after the vacancy occurs, the board is empowered to fill that vacancy from the list of names submitted by the respective societies, until the governor makes an appointment as provided in subdivision (a)(2).

SECTION 4. Tennessee Code Annotated, Section 62-2-201(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) In addition to members serving on the board under the authority of subsection (a), the board of architects and engineers shall also include one (1) member who is not engaged in the practice of architecture, engineering or landscape architecture, and who has no direct or indirect affiliation with the architecture and engineering profession or industry. The member shall be appointed by the governor, shall serve for a period of four (4) years, shall possess good moral character and, except as provided in § 62-2-302, shall be a full member of the board relative to all board matters. The member is subject to removal by the governor for misconduct, incapacity or neglect of duty.

SECTION 5. Tennessee Code Annotated, Section 62-2-201(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) In addition to members serving on the board under the authority of subsections (a) and (b), the board shall also include as associate members three (3) registered engineers, who may be appointed by the governor from a list of nominees submitted by the representative professional engineering society of the state.

SECTION 6. Tennessee Code Annotated, Section 62-2-201, is further amended by adding the following language as a new subsection:

(d)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision

(1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No registered lobbyist who serves as a member of the board shall be employed by or otherwise associated in a business relationship with any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to registered lobbyists serving on the board as of July 1, 2010 and to such persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION 7. The provision of this act prohibiting a member who is not engaged in the practice of architecture, engineering or landscape architecture from having any direct or indirect

affiliation with the architecture or engineering professions or industries from serving on the board shall apply to all member appointments made to the board after July 1, 2010.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.